Daily Anion.

"LIBERTY, THE UNION, AND THE CONSTITUTION."

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CITY OF WASHINGTON, TUESDAY MORNING, JULY 16, 1850.

On motion, the Senate adjourned.

MONDAY, JULY 15, 1850.

MEMORIALS AND PETITIONS.

Mr. DAVIS, of Massachusetts. I have a memorial similar in import to that just presented by the honorable senator from Rhode Island. It is signed by citizens of Worcester county, in my State, and I ask that it may have the same reference.

The memorial was then referred to the Committee on

Manufactures.

REPORTS FROM COMMITTEES.

Mr. WEBSTER, from the committee on the part of the Sensite, to join a similar committee on the part of the House, to make arrangements for the tuneral of the late President, reported the following resolution:

President, reported the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the President of the United States be requested to transmit a copy of the proceedings of the two houses on the 10th instant, in relation to the death of the late President of the United States, to Mrs. Margaret Tay or, and to assure hereof the profound respect of the two houses of Congress for her person and character, and of their success condelence on the late efflicting disponention of Providence.

On motion by Mr. W., the resolution was then considered in committee of the whole, ordered to be engroused for a third reading, and was read a third time, and unanimously passed.

Mr. W. also, from the same committee, reported a bill authorizing the transmission of letters and packets to and from Mrs. Margaret Taylor free of postage.

On motion by Mr. W., the Senate proceeded to the consideration of said bill, and no amendment having been offered, it was reported to the Senate, ordered to be engrossed for a third reading, and was read a third time, and unanimously passed.

Mr. CASS, from the same committee, reported the following:

Ordered, That the Secretary of the Senate and the Cleke of the House of Representatives and the contract of the Cleke of the House of Representatives and the contract of the Cleke of the House of Representatives and the contract of the Cleke of the House of Representatives.

Agrocutions.

Mr. CASS submitted the following resolution; which lies over, under the rule:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the propriety of allowing to John P. Brown the pay of charge d'affaires for the time he discharged the duties of that session at Constantinople.

Mr. HALE submitted the following resolution:

Mr. HALE submitted the following resolution:

Resolved, That the Committee on Public Buildings be intracted to inquire into the expediency of preventing the further execution of the brick arouture now being erected on the grounds west of the Capitol yard, causing what has already been placed there to be removed.

Mr H. said: I hold in my hand, Mr. President, a res

Mr. WALKER sub

Mr. UNDERWOOD. Then I move it be taken up, if or nothing more than to put it in its regular order.

The motion to take up being agreed to, the resolution

Was read as follows:

Resolved. That the Communities of Claims be instructed to report a bill providing for the payment to the president and directors of the Orange and Alexandria Railroad Company of one hundred and twenty thousand dollars, but without interest, in full of that sum advanced by the Commonwealth of Virginia to the use of the United States, to aid in the erection of public buildings in the District of Columbia.

weath of virginia to the use of the District of Columbia.

Mr. U. said: I will make a brief statement to the Senate, and request that they will by to-morrow morning consider the report that has already been made; and on to-morrow or some subsequent morning I will ask for the speedy action of the Senate upon the subject of this report. All the facts have been set out at large in that report. They are very briefly these: In the origin of the government it appears that there was considerable struggle between various parts of the Union to have the sent of the general government located as near their capital as could be. There was an attempt to have it located upon the Delaware, Pennsylvania and New Jersey were interested in that. Maryland and Virginia wanted it brought as far south as they could secure it; and Virginia proposed to make certain advances if they would locate it at Petersburg, then her capital. Subsequent to that time she male propositions to advance money, and asked the co-operation of Maryland, provided the sent of government should be located upon the Potomac, at this place. The government of Virginia advanced to the United States 2120,000 thus advanced has been transferred by the jegislature of Virginia to the Orange and Alexandria Railroad Company, and that company has made application to Congress to refund the money. I am for refunding it, and propose to do so upon this ground alone. I think the given the considers it as a loan, and according to the language of the acts of the legislature of Virginia considers it as a loan, and according to the language of the acts of the legislature of Virginia considers it as a loan, and according to the language of the acts of the legislature of Virginia considers it as a loan. Congress regarded it as a gift. But I am not willing, when the government is now rich, overflowing with money, to take from the legislature of Virginia and pocket \$120,000, which she did not regard as a donation at the time. I think that we ought to return it, she considering it as a l

amendments which have been observed, and dispose of them.

The PRESIDENT. There are no amendments before the Senate. Amendments have been laid upon the table, but they are not now offered.

Mr. CLAY. Then the question is upon reporting the bill to the Senate.

The PRESIDENT. If no amendment is offered.

Mr. DAYTON. Mr. President, I have an amendment lying upon the table, which I desire to be taken up. I think it proper to be offered now.

The amendment was read as follows:

CLAUSE 4. SEC 39: Strike out all from the word "arti-cle," in line thirty-iwo, to the word "them," in line thirty-

The amendment was read as follows:

Clause 4. Sec 39: Strike out all from the word "article," in line thirty-iwo, to the word "them," in line thirty-leight, inclusive.

In time lorty three, strike out all after the word "be," to the word "Prevised," in line forty-six, and insers, "applied to the payment and extinction of the public debt of fall State in the whole or pro rata: Prevised, That upon payment by the United States of the sum aloresaid, in manner aforesaid, the States of Texas shall release and transfer to the United States all their right, title, and interest in and, to the unappropriated lands lying within her limits."

Mr. CLEMENS. Mr. President, I move to lay the bill, with the amendment, upon the table.

Mr. CLAY I would ask the senator from Alabama [Mr. Clemens] to withdraw his motion for the present. Amendments cannot be acted upon, nor can there be any debate under such a motion as this; but I suppose all the purposes will be answered by making the motion, if it is his duty to make it, when the bill shall have received all the amendments which are proposed to be incorporated in it, and the question shall arise upon its engrossment. I make the suggestion, hoping the senator will postpona it until that period—to lie upon the table.

Mr. CLEMENS. Mr. President, I will state, sir, that I, as well as several other senators upon this side, desired to discuss that bill, but we presumed the Senate were ready to take a vote upon it. I will state, sir, that I, as well as several other senators upon the sale, desired to discuss that bill, but we presumed the Senate were ready to take a vote upon it. I will withdraw the motion if the senator from Kentucky [Mr. Clay] desires it.

The PRESIDENT. It cannot be withdrawn without he unanimous consent of the Senate wreponed to be inserted, and the reading of the clause proposed to be inserted, and the reading of the clause proposed to be inserted, and the reading of the clause proposed to be inserted, and the reading of the clause proposed to be inserted, and the

Which said stock shall be applied to the payment and extinotion of the public debt of said State in the whole of prorate: Provided, That upon the payment by the United
States of the sum afore said, in manuer aforesaid, the State
of Texas shall release and transfer to the United States all
her right, title, and interest in and to the unappropriated
lands tying within her limits.

I do not propose to discuss this question The mean-

The yeas and nays were then ordered, and being taken resulted—yeas 27, nays 25, as follows:

YEAS—Mesars. Atchison, Badger, Barnwell, Berrien, Butler, Ciay, Clemens, Divis of Mississippi, Dawson, Dickinson, Dodge of Iowa, Dowas, Foote, Houston, Hunter, Jones, King, Morton, Rusk, Sebastian, Stietds, Soule, Sturgson, Turney, Underwood, Webster, and Yuleo—27.

NAYS—Messrs. Baldwin, Bradbury, Bright, Cass, Chase, Clarke, Cooper, Corwin, Davis of Massachusetts, Dayton, Dedge of Wisconsih, Feinh, Greene, Hale, Hamlio, Miller, Norris, Phelps, Seward, Smith, Spruance, Upham, Wales, Walker, and Whitcomb—23.

So the amendment was concurred in.

The remainder of the amendments were all concurre

ment.

Mr. SEWARD proposed the amendment which was offered by him and rejected, excluding slavery from the Terrifories. The amendment was to come in at the close of the 37th section, as follows:

But neither slavery nor involuntary servitude shall be allowed in either of the Territories of New Mexico or Utah, except on legal conviction for crime.

The question being taken upon the amendment, it was

The question being taken upon the amendment, it was rejected.

Mr. WALKER. I propose to amend the bill by striking out all alter the fourth section. The bill, from the first to the fourth section inclusive, proposes to admit California into the Union. What tollows, from the fifth to the last section inclusive, proposes to admit California into the Union. What tollows, from the fifth to the last section inclusive, relates to the creation of the Territories of New Mexico and Utah. It is a proposition simple and easily understood. It proposes to leave the bill simply as a bill to admit California into the Union. I do not propose to discuss the amendment; I offer it for the purpose of getting a vote upon it by yeas and nays, if they shall be ordered, more in view of the position which certain senators occupy on this floor in relation to this matter than for any other purpose. With that view I ask the yeas and nays, and would be glad to have them granted.

Mr. DAWSON. I, then, understand the senator's proposition to mean this: that that part of the bill which relates to the territorial governments should be atricked out, and that the question should remain upon the admission of California alone as a State.

Mr. BRIGHT. Mr. President, I am somewhat surprised by the motion of the honorable senator from Wisconsin, (Mr. WALKER. I had no idea that even those most hostile to this bill, much less the honorable senator just named, whom I have ever regarded as a peacemaker, in this time of trouble, would seek to defeat the bill, by this or a kindred motion, before its real friends lad a full opportunity to perfect it. This we have not yet bad, and I appeal to the honorable senator from Wisconsin to the honorabl

nosed to amond by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can, by amendments, before the question is put for striking it out if on the question it be retained, it cannot be amended afterward, because a vote agrainst striking out is equivalent to a vote agreeing to it in that form.

Now, I beg to suggest to the Senate that we are engaged in the discussion of a bill which proposes one precise mode of adjusting this question. It is very desirable to some, who cannot agree to this bill in its present form, that it should receive modifications which it may probably and possibly receive, if it remains still open to amendment, in the further progress of this discussion. What I have to say, then, to the senator from Wisconsin is this; he presents emburrassments to those who desire, in the further progress of this bill, to submit amendments which may reconcile them to an affirmative vote upon this bill. And the inquiry is, whether it is to be—I am perfectly sure there is no intention to do so—a mode of coercing persons to give a vote which will compel them to take, a position against the bill, which, if amended, might be made acceptable? If the amendment of the senator from Wisconsin be rejected, the several sections which are retained will no longer be open to amendment. I found my objection upon the authority to which I have reference the Manual, which declares that the refusal to strike out is equivalent to an affirmative motion to retain in the exact form in which it these axists, affind no further amendment can be offered. I sak, then, whether it will not be consistent with the purpose of the Senate to withdraw this motion for the present, and allow amendments to be proposed upon which the action of the Senate can be had, snd-which will enable seasons who are in the eituation in which I am myself individually to give a fair expression of their opinions?

Mr. HALE. Is a motion to amend one of the sections to be stricken out and that which is to be retained.

Mr.

was adopted upon my motion in the committee, to the said 13th section—to amend by inserting, after the words. "United States," in the 45th line, as follows:

And the said supreme and district oc.arts of the said Territory, and the respective judges thereof, shall and may grant writs of kabess corpus in all osess in which the sense are granuable by the judges of the United States in the District of Columbia.

Mr. WALKER. Mr. President, did I understand—Mr. HALE. Am I not entitled to the floor?

The PRESIDENT. The senator from New Hampshire allow us to hear the statement of the Chair?

Mr. HALE yielded the floor for the purpose indicated. The PRESIDENT. When a proposition is made to amend by striking out a portion of a bill, and that proposition is rejected, it is not in order to amend by striking out any portion of that which is thus retained. But it is subject to amendment by addition after such a decision, but not by alteration of the phraesology of any portion which is refused to be stricken out.

Mr. HALE. I was about to suggest that upon my motion an amendment was adopted, by ursunismous consent, I believe, of the Senate, making certain questions, which might come up before the district and appreme courts of these Territories, re-examinable in the Supreme Court of the United States. I find that there is no express grant of power to the judges of these courts to grant writs of Anders corpus, except by inference. Upon consultation with some friends of the bill. I propose to make plain and explicit what may now be found in the bill by inference only, by inserting the amendment which I have sant to the table.

second. The United States ceds to the State of Texas right, claim, and title which they have to any territory by seath of the line aforesaid. And the said Same of Texas ceds to the United States any right, claim, and title whi it has to any territory lying sorth of the said line.

right, claim, and title which they have to any surface, and south of the line aforesaid. And the said Same of Texasceles to the United States any right, claim, and title which it has to any territory lying sorth of the said line.

These are the words of the committee's bill—a cession—a mutual cession of territory from seach to the other, and in terms which imply title in each. The United States ede to Texas all the territory that lies south of the committee's line; Texas cedes to the United States all the territory that lies north of it. It is the act of two owners, acting independently of each other, and making an exchange of land, and in terms which imply an equality of title in the respective cessions. Upon the words of this clause, then, this transfer to Texas is a cession from the United States, and conveys to Texas the right, title, and claim of the United States to all the territory ceded. Another part of the bill is equally explicit in treating this transfer as a cession. The sixth clause in these words:

in these words:

Sixth. If the said State of Toxas shall refuse or decline to accede to the preceding articles, they shall become wall assisted, and the United States shall be remitted back to all their territorial rights; in the same state and condition as if these articles of compact had never been tendered to the acceptance of the State of Texas.

This is confirmation both of the cession and of the title of the United States, if the exchange is not agreed to by Texas. It remits the title-sends it back—to the United States, if Texas does not accept and, to give more emphatic meaning to this remission, as return to its former owner, the expletive "back" is superadded—a redundancy of phrase which could only be usified by the extreme desire of saving the title of the United States, if the committee cannot succeed in giving it away.